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THE CITY OF NEW YORK
LAW DEPARTMENT

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MEMO ENDORSED

January 28, 2008

BY HAND

Honorable Colleen McMahon
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

1/29/08
Searched
✓

Re: Reginald Stanley v. The City of New York, et al. 07 CV 11396 (CM)(KNF)

Dear Judge McMahon:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and attorney for defendant City of New York. I am writing with the consent of plaintiff's counsel to respectfully request: (1) a sixty (60) day enlargement of time from today, January 28, 2008, until March 28, 2008, within which this office may answer or otherwise respond to the complaint and (2) an adjournment of the initial pre-trial conference scheduled by this Court for February 22, 2008, at 10:00 a.m. until a date convenient to the Court after defendant's answer is due. This is the City of New York's first request for an enlargement of time in this action.

The complaint alleges, *inter alia*, that plaintiff Reginald Stanley was falsely arrested/imprisoned and subjected to malicious prosecution. In addition to the City of New York, the complaint purports to name Police Officer Cely Batista as a defendant. Before this office can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. The enlargement of time will afford us the opportunity to investigate the matter.

Moreover, the enlargement will allow us to ascertain whether the individually named defendant has been served.¹ If service has been effectuated then, pursuant to Section 50-k of

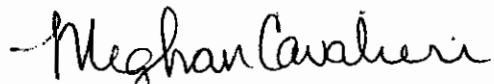
¹ Although this office does not currently represent Police Officer Batista, and assuming he/she was properly served, this office also respectfully requests this extension on his/her behalf in order to prevent his/her defenses from being jeopardized while representational issues are being resolved.

the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendant. The named defendant must then decide whether he/she wishes to be represented by this office. If so, we must obtain his/her written authorization. Only after this procedure has been followed can we determine how to proceed in this case. See Mercurio v. The City of New York et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. The City of New York et al., 64 N.Y.2d 800, 486 N.Y.S. 2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer or otherwise respond to the complaint until March 28, 2008 and a corresponding adjournment of the initial conference currently scheduled for February 22, 2008 at 10:00 a.m.

Thank you for your consideration in this regard.

Respectfully submitted,



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cc: VIA FAX and ECF
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